

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESUS ALBIZU,) CV F 02-5875 AWI SMS
Plaintiff,) ORDER GRANTING DEFENDANT
v.) AMUNDSON'S REQUEST FOR EXTENSION
CLYDE A. STROHL, et al.,) OF TIME TO FILE DEFENDANT'S BRIEF
Defendants.) REGARDING THE MOTION FOR DEFAULT
JUDGMENT NO LATER THAN OCTOBER
14, 2005
ORDER PERMITTING PLAINTIFF TO
FILE A REPLY BRIEF NO LATER THAN
OCTOBER 28, 2005

ORDER CONTINUING THE DATE OF THE
HEARING ON THE MOTION FOR DEFAULT
JUDGMENT:

Former Date: OCTOBER 14, 2005

New Date: NOVEMBER 4, 2005

Time: 9:30 a.m.

Courtroom: 4

Plaintiff is proceeding with a civil action. The matter has
been referred to the Magistrate Judge pursuant to 28 U.S.C. §
636(b) and Local Rules 72-302 and 72-304.

Defendant Wesley A. Amundson has filed a document that is
deemed to be a request for an extension of time to file a brief
in connection with Plaintiff's pending motion for default

1 judgment previously scheduled for hearing on October 14, 2005.
2 Due to the Court's anticipated absence for the upcoming week, and
3 in the interest of avoiding further delay in the instant action,
4 the Court exercises its discretion to act upon this matter
5 without seeking input from Plaintiff's counsel. The Court is
6 fully aware of Plaintiff's desire to proceed to a hearing on the
7 pending motion for default judgment without any further delay;
8 the Court is likewise cognizant of the numerous delays suffered
9 by Plaintiff with respect to this proceeding. In light of the
10 certainty of the content of any input on the part of Plaintiff
11 with respect to the pending request for extension of time, and
12 further in light of the fact that the Court finds that Defendant
13 Amundson has made a bare showing of good cause for an extension
14 of time, the Court declines to inflict upon the parties further
15 delay that would result from seeking briefing on the instant
16 request for an extension of time. However, in view of the fact
17 that Defendant Amundson signed a substitution of counsel form on
18 July 19, 2005 (Doc. 128, filed August 22, 2005), Defendant, who
19 is a licensed attorney, has already had two months in which to
20 obtain counsel and/or prepare his response to Plaintiff's motion,
21 which has been pending for a substantial period of time. Further,
22 the scope of any briefing that a defaulting defendant might
23 submit with respect to a motion for default judgment is
24 relatively narrow. In light of these facts, the Court has
25 determined that one further short extension of time is warranted;
26 no further extensions of time based on the availability of
27 counsel to represent Defendant Amundson, or the asserted
28 unpreparedness of Defendant Amundson himself to proceed, will be

1 granted.

2 In light of the need for additional briefing time for both
3 parties necessitated by this order, it is necessary to continue
4 the hearing on the motion.

5 Accordingly, due to the availability of the Court, and in
6 the interest of the convenient and efficient administration of
7 justice, it IS ORDERED that

8 1) Defendant Amundson's request for an extension of time to
9 file briefing IS GRANTED; and

10 2) Defendant Amundson's brief regarding Plaintiff's motion
11 for default judgment SHALL BE FILED no later than October 14,
12 2005; and

13 3) Plaintiff MAY FILE a reply brief no later than October
14 28, 2005; and

15 4) The hearing on Plaintiff's motion for default judgment,
16 previously set for October 14, 2005, IS CONTINUED to November 4,
17 2005, at 9:30 a.m., in Courtroom 4, before the undersigned
18 Magistrate Judge.

19 IT IS SO ORDERED.

20 **Dated: September 21, 2005**
21 icido3

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE